

IN THE UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
AUG 23 2010

FOR THE SOUTHERN DISTRICT OF GEORGIA 2010 AUG 23 PM 4:03

DUBLIN DIVISION

CLERK *L. J. [Signature]*
SO. DIST. OF GA.

ABDIWALI MAHAMED,

Plaintiff,

v.

ERIC HOLDER, Attorney General, et al.,

Defendants.

CV 310-023

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, an inmate at the McRae Correctional Facility in McRae, Georgia, submitted to the Court a petition for a writ of mandamus compelling an adjudication on his application for citizenship. Plaintiff paid \$5.00 as the filing fee. However, as the filing fee for such actions is \$350.00, on May 26, 2010, the Clerk of Court notified Plaintiff of the deficiency and instructed him to submit the full filing fee or a motion to proceed *in forma pauperis* ("IFP") within fourteen (14) days. (Doc. no. 2.) Plaintiff responded with a motion to proceed IFP. (Doc. no. 3.) On June 18, 2010, the Court directed Plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty (30) days and advised Plaintiff that all prisoners, even those proceeding IFP, must pay the filing fee of \$350.00 in full. 28 U.S.C. § 1915(b)(1). Plaintiff was cautioned that failure to respond would be an election to have this case voluntarily dismissed without prejudice. (Doc. no. 4.) Plaintiff failed to respond.

On July 21, 2010, the Court granted Plaintiff fourteen (14) additional days to comply with the terms of the Court's June 18th Order. (See doc. no. 5.) Once again, Plaintiff was warned that his failure to comply in a timely fashion with the Court's Order would result in a recommendation that his case be dismissed. The time to respond has passed, and Plaintiff has not submitted the documents required by the Court's June 18, 2010 Order, nor has he provided the Court with any explanation why he has not complied.

Plaintiff cannot proceed IFP unless he submits the requisite Trust Fund Account Statement and consents to the collection of the entire \$350.00 filing fee in installments. Wilson v. Sargent, 313 F.3d 1315, 1319, 1321 (11th Cir. 2002) (*per curiam*) (citing 28 U.S.C. § 1915). Plaintiff has been warned repeatedly that failing to return the necessary IFP papers would be an election to have his case voluntarily dismissed. As Plaintiff has neither fulfilled the requirements for proceeding IFP, nor paid the filing fee, the Court **REPORTS** and **RECOMMENDS** that this case be **DISMISSED**, without prejudice.

SO REPORTED and RECOMMENDED this 23rd day of August, 2010, at Augusta, Georgia.



W. LEON BARFIELD
UNITED STATES MAGISTRATE JUDGE